

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

LAVERNE RIPPY, et al., individually and on
behalf of herself and all others similarly
situated,

Plaintiff,

vs.

SCHNUCK MARKETS, INC.,

Defendant.

Case No. 3:13-cv-00471-MJR-DGW

**MOTION TO TRANSFER CASE
UNDER SECTION 1404 TO THE
EASTERN DISTRICT OF MISSOURI**

Defendant Schnuck Markets, Inc. (“Schnucks”), by its undersigned counsel and pursuant to 28 U.S.C. § 1404(a), moves to transfer this action to the Eastern District of Missouri. In support of this motion, Defendant states:

1. This case is one of six purported class actions filed against Schnucks after it disclosed a cyber-attack on its computer network by criminals seeking access to credit and debit card data.

2. All six cases seek certification of one or more classes of Schnucks’ customers who allegedly used their payment cards at a Schnucks store during the period of the attack.

3. The claims in all of the cases seek damages based on Schnucks’ alleged failure to prevent the attack from occurring and its response following the incident.

4. The first of the five federal cases was filed in the Eastern District of Missouri. This case is one of three other cases filed in federal courts in Illinois. Defendant plans to file similar motions to transfer in each of the other cases currently pending in federal courts in Illinois. Another case is pending in St. Louis City Circuit Court in St. Louis, Missouri.

5. The Court may transfer venue for “the convenience of parties and witnesses [and] in the interest of justice.” 28 U.S.C. § 1404(a).

6. Schnucks is a Missouri corporation, headquartered in St. Louis, Missouri, which owns and operates grocery stores throughout the Midwest, but predominantly in Missouri.

7. All of the significant business decisions relating to the security of Schnucks’ information systems generally, and its response to the cyber-attack specifically, were made by personnel employed at its headquarters in St. Louis, Missouri. Most of the stores affected by the incident are located within the State of Missouri.

8. In order to avoid duplicative litigation, and in the interests of justice and the convenience of the parties, Schnucks requests this Court transfer this case to the Eastern District of Missouri so that it can be consolidated in a single forum with the other federal cases. The Eastern District of Missouri is the most logical and convenient forum for this litigation.

WHEREFORE, for all the forgoing reasons, and those set forth more fully in the Memorandum in Support, filed herewith, Defendant Schnuck Markets, Inc. respectfully requests that this Court transfer this action to the Eastern District of Missouri pursuant to 28 U.S.C. § 1404(a), and for such other and further relief the Court deems as just.

Dated: June 26, 2013

Respectfully submitted,

BAKER & HOSTETLER LLP

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Attorneys for Defendant Schnuck Markets, Inc.

CERTIFICATE OF SERVICE

I certify that on June 26, 2013, I caused to be filed using the Court's CM/ECF system a true and correct copy of the foregoing to be delivered electronically by the CM/ECF system to all registered parties.

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